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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,585	02/12/2002	Jerry Kupsh	3356/OK222	5374

7590 10/03/2005

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805 Third Avenue  
New York, NY 10022

EXAMINER
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PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/074,585

**Applicant(s)**

KUPSH, JERRY

**Examiner**

Julio R. Perez

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3, 5-9, 12-14, have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. (hereinafter Alperovich) [Pat. No. 6101393] in view of Allison et al. (hereinafter Allison) [Pub. No. 20030083078].

Regarding claim 1, Alperovich discloses a method for preventing delivery of selected SMS messages, comprising the steps of: receiving an SMS message destined for an end user (col. 3, lines 24-49, a message is transmitted to a user); comparing the one or more telephone numbers to a plurality of predetermined telephone numbers (col. 3, lines 50-54; col. 4, lines 28-47; col. 5, lines 12-21; col. 6, lines 7-21, the phone number is screened in the screening mechanism located in the HLR, which extracts the or phone number coming along with the message, which in turn determines if the message should be accepted or rejected), and selectively preventing delivery of the SMS message to the end user if any of the one or more telephone numbers associated

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with the SMS message matches any of the plurality of predefined telephone numbers in the list (col. 4, lines 28-56; Fig. 3; Fig. 4, refs. 220-230-240; col. 5, lines 4-21; col. 6, lines 7-21, the SMS is screened to check if it is listed on the acceptance or rejection list to conclude his delivery or deletion).

Alperovich, however, fails to specifically disclose wherein determining that one telephone number distinct from a source identifier of a sender of the SMS message is associated with the SMS message by searching in either a "short message" parameter or a "callback num" parameter associated with the SMS message.

In a similar field of endeavor, Allison discloses an SMS message discrimination module in a signaling message processing system that determines if spam SMS messages are sent to a receiving subscriber, wherein a number parameter is extracted from the SMS as read from the short message (page 5, pars. 0048-0050).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alperovich with the teachings of Allison for the purpose of providing means to examine the calling party routing information in order to find out about the source of the a repeat SMS spam originator and similarly identify the specific network, elements, even communication terminals from which spam SMS messages are being staged. Also, to provide means of preventing a short message user from receiving unwanted type SMS messages and preventing the wireless network resources from being loaded with the processing of spam SMS messages.

Regarding claim 3, the combination of Alperovich and Allison discloses, wherein the searching the short message parameter of the SMS message for a plurality of

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numbers having a predefined pattern (Alperovich, col. 4, lines 28-36; col. 5, lines 12-21, the identity, of the sender, is determined by extracting the origination MSISDN or IMSI).

Regarding claim 5, the combination of Alperovich and Allison discloses, wherein the determining step comprising the step of searching for the one or more telephone numbers in the short message parameter (Alperovich, col. 3, lines 27-49; col. 4, lines 28-36, the transmitted message goes along with the origin phone number sent from the sender); and searching for the one or more telephone numbers in the "callback num" parameter (Alperovich, col. 4, lines 28-36; col. 5, lines 12-21, a callback\_number, which corresponds to the origin identifier, is identified).

Regarding claim 6, the combination of Alperovich and Allison discloses, wherein the predefined pattern includes one of a group of 7 and 10 numbers (Alperovich, col. 4, lines 28-36; col. 5, lines 12-21, in the case of a mobile sending the message, the mobile station integrated services digital network (MSISDN) number is comprised of 10 numbers, including the area code, from which the originator is calling).

Regarding claim 7, the combination of Alperovich and Allison discloses, wherein the plurality of: predefined telephone numbers are stored in a list and wherein the list is periodically updated (Alperovich, col. 5, lines 51-66, the numbers on the delivery list may be updated per the procedure depicted).

Regarding claim 8, the combination of Alperovich and Allison discloses, wherein the preventing step includes deleting the SMS message (Alperovich, col. 4, lines 63-67; col. 5, lines 1-3, message is deleted if it determined not to be accepted).

Regarding claim 9, the combination of Alperovich and Allison discloses, including the further step of sending a message to the originator of the SMS message informing the sender that the SMS message has been deleted (Alperovich, col. 5, lines 45-50, a acknowledgement is sent to the originating MS).

Regarding claim 12, Alperovich et al. disclose, a system for preventing delivery of SMS messages, comprising: one or more network processing devices (col. 2, lines 64-66; col. 3, lines 1-49; Fig. 2, a number of SMSC may be spread around the network); and a list of predefined telephone numbers (Fig. 2, refs. 220-230); the one or more network processing devices operative to: receive data from a sending device, the received data including an SMS message destined for an intended SMS receiving device, the data further being associated with a short message parameter and a callback\_num parameter (col. 3, 24-49; col. 4, lines 28-36; col. 6, lines 16-21; Fig. 2, a message is transmitted to a user (22), which is an SMS-capable unit, which includes a callback\_num string for dialing a reply); comparing the extracted one or more telephone numbers to the list of predefined telephone numbers (col. 3, lines 50-54; col. 4, lines 28-36; col. 5, lines 12 - 66, the phone number is screened in the screening mechanism located in the HLR, which extracts the or phone number coming along with the message; which in turn determines if the message should be accepted or rejected); and selectively preventing delivery of the a message to the intended SMS receiving device if any of the one or more telephone numbers matches any of the telephone numbers in the list of predefined telephone numbers (col. 4, lines 28-56; Fig. 3; Fig. 4, refs. 220-

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230-240; col. 5, lines 4-21; col. 6, lines 7-21, the SMS is screened to check if it is listed on the acceptance or rejection list to conclude his delivery or deletion).

Alperovich, however, fails to specifically disclose wherein extracting one or more telephone number distinct from a source identifier of a sender of the SMS message from either of the "short message" parameter or the "callback num" parameter.

In a similar field of endeavor, Allison discloses an SMS message discrimination module in a signaling message processing system that determines if spam SMS messages are sent to a receiving subscriber, wherein a number parameter is extracted from the SMS as read from the short message (page 5, pars. 0048-0050).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Alperovich with the teachings of Allison for the purpose of providing means to examine the calling party routing information in order to find out about the source of the a repeat SMS spam originator and similarly identify the specific network, elements, even communication terminals from which spam SMS messages are being staged. Also, to provide means of preventing a short message user from receiving unwanted type SMS messages and preventing the wireless network resources from being loaded with the processing of spam SMS messages.

Regarding claim 13, the combination of Alperovich and Allison discloses, wherein the one or more network processing devices comprises a short message service center (Alperovich, col. 3, lines 24-49; Figs. 1-2, the system comprises a SMSC).

Regarding claim 14, the combination of Alperovich and Allison discloses, wherein the one or more network processing devices comprises an SMSC and a database remote from the SMSC (Alperovich, col. 3, lines 14-30, Fig2. 1-2, the system include an SMSC and a screening database, which is collocated within an HLR).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pub.No. 20020087584 to Hung

Managing messages

Pub. No. 20010051528 to Lielbriedis

Method for providing access to  
data

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

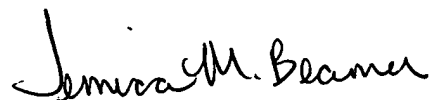
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Handwritten signature of JP, consisting of stylized initials.

9/24/05

Handwritten signature of Temica M. Beamer in cursive script.

TEMICA BEAMER  
PRIMARY EXAMINER